

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NASON HOMES, LLC,

Plaintiff,

v.

BILLY'S CONSTRUCTION, INC.
d/b/a BILL MACE HOMES, BILL
MACE, individually and KENNETH
FOOTE, individually,

Defendants.

CIVIL ACTION FILE
NO. 3:14-cv-0566

DECLARATION OF STUART BEATTIE

1. My name is Stuart Beattie. I am the sole owner of Nason Homes, LLC.
2. I am more than 18 years of age and am in all respects competent to give this Declaration based on my personal knowledge.
3. Nason Homes is a residential home construction company which has developed a reputation in Georgia and Tennessee for construction excellence.
4. Nason Homes is the owner, by assignment, of the copyright in a floor plan called the Alder Plan. Nason Homes engaged the author of the Alder Plan, John Hemlick, to create the Alder Plan and John Hemlick assigned all of his rights in the Alder Plan to Nason Homes.

5. In January 2014, I discovered that Billy's Construction d/b/a Bill Mace Homes was in the process of building a house, which would, upon completion, infringe Nason Home's copyright in the Adler Plan (the "Infringing House").
6. In 2013, I gave a copy of the Alder Plan to a realtor named Brittany Hopkins for Meybohm Realtors in Augusta, Georgia because she was acting as a real estate agent for homes built by Nason Homes.
7. Only in January of 2014 did I know that Meybohm Realtors had placed a copy of the Alder Plan on the Internet on their website. When I discovered that there was a copy on the Internet, I requested that it be taken down and confirmed that it was indeed taken down. However, by this time, I had already discovered that the Infringing House was under construction.
8. Marsha Campbell of Keller Williams told me that Defendant Foote attempted to obtain a copy of the Alder Plan from her but that she refused to give him one.
9. I compared the Infringing House with the Alder Plan while the Infringing House was under construction.
10. The Infringing House is nearly identical to the Alder Plan.
11. There are only two differences between Nason Home's copyrighted Alder Plan and the Infringing Home. First, the Alder Plan calls for some vaulted ceilings, while those ceilings in the Infringing House are flat. Second, the Alder Plan calls for a roof with 8/12 pitch roof from the front to the back and 10/12-pitch

on the sides, whereas the Infringing House was built with 8/12-pitch all the way around.

12. The arrangement of the rooms, doors, windows, garage, and front porch of the Infringing House are exactly the same as those called for in the Alder Plan.

Moreover, the rooms of the Infringing House have the same dimensions as those called for in the Alder Plan.

I declare under penalty of perjury that the forgoing, as based on my personal knowledge or on information and belief, is true and correct to the best of my knowledge.

2-6-15
Dated


Signature